

3737

PATENT  
Attorney Docket No. MDS-009CN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Modell et al.

SERIAL NO.: 09/841,325

GROUP NO.: 3737

FILING DATE:

April 24, 2001

EXAMINER:

Smith, Ruth S.

TITLE:

SPECTRAL VOLUME MICROPROBE ARRAYS

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in a box addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15<sup>th</sup> day of December, 2003.

  
\_\_\_\_\_  
Karina L. Branzetti

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg.);
2. Amendment and Response (11 pgs.);
3. Request for Consideration of References Previously Submitted (3 pgs.)
4. Copies of the Information Disclosure Statement, related papers (10 pgs.), and copies of references (B1-B7, C1-C14), originally submitted to the USPTO on August 31, 2001, and stamped as received by the USPTO on September 4, 2001;
5. Copies of the Supplemental Information Disclosure Statement, related papers (9 pgs.), and copies of references (B8-B14), originally submitted to the USPTO on October 5, 2001, and stamped as received by the USPTO on December 11, 2001;
6. Copies of the Second Supplemental Information Disclosure Statement, related papers (17 pgs.), and copies of references (B15-B27, C15-C107), originally submitted to the USPTO on July 10, 2003, and stamped as received by the USPTO on July 14, 2003; and
7. Return receipt postcard.

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**TRANSMITTAL  
FORM**

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**TECHNOLOGY CENTER 3700**

Application Serial Number	09/841,325
Filing Date	April 24, 2001
First Named Inventor	Modell
Group Art Unit	3737
Examiner Name	Smith, Ruth S.
Attorney Docket No.	MDS-009CN
Patent No.	Not applicable
Issue Date	Not applicable

**ENCLOSURES (check all that apply)**

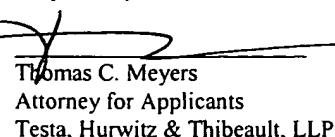
<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <li><input type="checkbox"/> Check Attached</li> <li><input type="checkbox"/> Copy of Fee Transmittal Form</li> </ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input checked="" type="checkbox"/> Amendment and Response (11 pgs.) <ul style="list-style-type: none"> <li><input type="checkbox"/> Preliminary</li> <li><input type="checkbox"/> After Final</li> <li><input type="checkbox"/> Affidavits/declaration(s)</li> <li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]</li> </ul>	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Information Disclosure Statement Form PTO-1449 <ul style="list-style-type: none"> <li><input type="checkbox"/> Copies of IDS Citations</li> </ul>	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <li><input type="checkbox"/> Paper Copy/CD</li> <li><input type="checkbox"/> Computer Readable Copy</li> <li><input type="checkbox"/> Statement verifying identity of above</li> </ul>	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input checked="" type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	(i) Request for Consideration of References Previously Submitted (3 pgs.)
	<input type="checkbox"/> Amendment After Allowance	(ii) Copies of the Information Disclosure Statement, related papers (10 pgs.) and copies of references (B1-B7, C1-C14), originally submitted to the USPTO on August 31, 2001 and stamped as received by the USPTO on September 4, 2001.
	<input type="checkbox"/> Request for Certificate of Correction <ul style="list-style-type: none"> <li><input type="checkbox"/> Certificate of Correction (in duplicate)</li> </ul>	(iii) Copies of the Supplemental Information Disclosure Statement, related papers (9 pgs.) and copies of references (B8-B14), originally submitted to the USPTO on October 5, 2001 and stamped as received by the USPTO on December 11, 2001.
		(iv) Copies of Second Supplemental Information Disclosure Statement, related papers (17 pgs.) and copies of references (B15-B27, C15-C107), originally submitted to the USPTO July 10, 2003 and stamped as received by the USPTO on July 14, 2003.

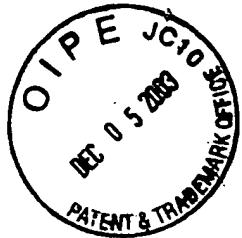
**CORRESPONDENCE ADDRESS**

**SIGNATURE BLOCK**

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Respectfully submitted,  
  
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PATENT  
Atty. Docket No. MDS-009CN  
(6219/15)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Modell et al.

SERIAL NUMBER: 09/841,325

ART UNIT: 3737

FILING DATE: April 24, 2001

EXAMINER: Smith, Ruth S.

TITLE: Spectral Volume Microprobe Arrays

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**REQUEST FOR CONSIDERATION OF REFERENCES PREVIOUSLY SUBMITTED**

Sir:

This paper is submitted in response to Office Action, Paper No. 8, mailed from the U.S. Patent and Trademark Office ("PTO") on September 2, 2003, in connection with the patent application identified above. The Examiner included with the Office Action copies of previously submitted PTO-1449 forms. The Examiner indicated she did not consider any of the Foreign Patent Documents (B References) or any of the Other Art, Journal Articles, Etc. (C References). The Examiner indicated "No Copies" on each of the PTO-1449 Forms regarding the B and C references. Applicants hereby request an initialed copy of each of the PTO-1449 forms previously submitted in connection with this application. PTO-1449 forms were submitted on August 31, 2001, October 5, 2001, and July 10, 2003.

**PTO-1449 Form Submitted on August 31, 2001**

According to the requirements of 37 C.F.R. § 1.8 and as indicated on the enclosed documents, on August 31, 2001 Applicants submitted to the PTO an Information Disclosure Statement including form PTO-1449. Applicant subsequently received the return receipt postcard stamped as received by the PTO on September 4, 2001. A copy of this postcard is enclosed.

Applicants submit that the required documents were timely and properly submitted to the PTO as evidenced by the enclosed Certificate of First Class Mail identifying the required documents and the return receipt postcards acknowledging receipt of same and stamped as received by the PTO on September 4, 2001.

Request for Consideration of Reference Previously Submitted

Docket No. MDS-009CN

Serial No. 09/841,325

Filing Date: April 24, 2001

Accordingly, Applicants enclose herewith a copy of the PTO-1449 form that was submitted on September 4, 2001 and a copy of the B (B1-B7) and C (C1-C14) references cited. Applicants hereby request that the Examiner initial the references on the enclosed copy of this PTO-1449, indicating that these references have been considered.

PTO-1449 Form Submitted on October 5, 2001

According to the requirements of 37 C.F.R. § 1.8 and as indicated on the enclosed documents, on October 5, 2001 Applicants submitted to the PTO a Supplemental Information Disclosure Statement including form PTO-1449. Applicant subsequently received the return receipt postcard stamped as received by the PTO on December 11, 2001. A copy of this postcard is enclosed.

Applicants submit that the required documents were timely and properly submitted to the PTO as evidenced by the enclosed Certificate of First Class Mail identifying the required documents and the return receipt postcards acknowledging receipt of same and stamped as received by the PTO on December 11, 2001.

Accordingly, Applicants enclose herewith a copy of the PTO-1449 form that was submitted on October 5, 2001 and a copy of the B (B8-B14) references cited. Applicants hereby request that the Examiner initial the references on the enclosed copy of this PTO-1449, indicating that these references have been considered.

PTO-1449 Form Submitted on July 10, 2003

According to the requirements of 37 C.F.R. § 1.8 and as indicated on the enclosed documents, on July 10, 2003 Applicants submitted to the PTO a Second Supplemental Information Disclosure Statement including form PTO-1449. Applicant subsequently received two return receipt postcards (one corresponding to references A133-A192 and one corresponding to references B15-B27) each stamped as received by the PTO on July 14, 2003. A copy of these postcards are enclosed.

Applicants submit that the required documents were timely and properly submitted to the PTO as evidenced by the enclosed Certificate of First Class Mail identifying the required documents and the return receipt postcards acknowledging receipt of same and stamped as received by the PTO on July 14, 2003.

Accordingly, Applicants enclose herewith a copy of the PTO-1449 form that was submitted on July 10, 2003 and a copy of the B (B15-B27) and C (C15-C107) references cited. Applicants hereby request that the Examiner initial the references on the enclosed copy of this PTO-1449, indicating that these references have been considered.

Request for Consideration of Reference Previously Submitted

Docket No. MDS-009CN

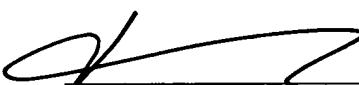
Serial No. 09/841,325

Filing Date: April 24, 2001

Applicants believe no fees are due upon submission of this paper. If any fees are due, the Commissioner is hereby authorized to charge them to Deposit Account No. 20-0531.

Respectfully submitted,

Date: December 1, 2003  
Reg. No. 36,989  
Tel. No. (617) 248-7013  
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